

DLM REFS: 6G-1341-1343 &  
6G-1405-1407

WAIVER OF SERVICE OF SUMMONS

TO: David L. Mazaroli, Attorney for Plaintiff

I acknowledge receipt of your request that I waive service of a summons in the action of **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA v. FORWARD AIR, INC.** which is case number 07 CIV. 3875 (PKL) in the United States District Court for the Southern District of New York. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without costs to me.


I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **May 18, 2007**, or within 90 days after that date if the request was sent outside the United States.

Forward Air, Inc.  
184-54 149<sup>th</sup> Avenue  
Springfield Gardens, NY 11413

*June 8, 2007*  
Date

Signed: 

Name: *CHARLES J. REITER (CTR-2915)*

Title: *Counsel for DEFENDANT FORWARD AIR, INC.*

Company: *CALLAHAN & FUSCO, LLC*  
*161 Eagle Rock Avenue*  
*ROSELAND, NJ 07068*  
*(973) 618-9770*